

The late Earle of Lindsey his Title, by which himself, and his Participants, do claim 24000.
Acres of Lands in the Fennes in Lincoln-shire; and concerning which a Bill hath Pass'd the House of LORDS,
 and is now with the COMMONS, Impowring Sir Henry Heron and Sir William Killigrew to perfect their Undertaking; the
 which, if it hath not been according to the Particulars contained in this Paper, the Countenance of any Member of this House
 is in no sort desired hereunto.

THe Dreyners of Lindsey Level in Lincoln-shire, being informed, That some Persons do whisper many scandalous Stories in the Eares of
 many of the Members of Parliament, greatly prejudicial to the Dreyners proceedings in that great undertaking, who to justify them-
 selves, have thought good to publish what hereina follows; all which they will justify.
 First, We claim by the Law, and Authority of several Decrees of Sewers.
 Secondly, We claim the same Equity that former Parliaments afforded to such undertakings, We having in this expended near 80000 l.
 to the very great benefit of the Common-wealth, which We hope may merit the same confirmation former Parliaments hath afforded to the like Under-
 takings.

That Commissions of Sewers were antiently part of the Commission of Oyer and Terminer.
 That they were issuable at the Kings pleasure, and that the King (as he who had the Supreme care of things of publike concernment) was bound to
 grant such Commissions upon all emergencies.

That this was the Constant Opinion, We find in our Antientest Books of Common-law. That it was a constant practise, We find many such Com-
 missions issued, two especially, long before any Statutes now known in England were made, they were both sent into Lincoln-shire, and the first into the
 very parts where the Earle made his Works, and at that time to have done this very Work that the Earle hath now done.

But because those Commissioners were temporary, to Persons sometimes Strangers in the Place, and ordinarily in redresse of Mischiefs already hap-
 pened by some former inundation, some Statutes have from time to time enlarged the Power of Commissions to act as well in Prevention, as Redress; and
 appointed those Commissions to Gentlemen living on, or near the Place, who by their timely notice might prevent, and their Authorities were made
 constant for certain number of years.

The first Statute to this purpose we find in Henry the third his time, which is as antient as any Statute now known in England, very many subsequent
 Statutes have enlarged their Powers in such Particulars as in experience they found necessary, viz. to inable them to tax all Lands which might receive
 benefit, or avoid losse: to make new Dreynes, if they upon their view and observation found the antient Ones were not sufficient; to distrain, and sell
 for not payment of those Taxes, or in their discretions to charge such Lands perpetually, or to sell them for years or lives, in Tayle, or in Fee.

And because the Commissioners were Gentlemen of the Country, not ever so intelligent in every scruple of Law, it is by later Statutes provided, That
 their Decrees shall not be examinable but in Parliament, as divers heretofore have been; but those Parliaments never avoided them, if they found the
 course taken by their Commissioners, might probably do the work, though it was not yet really done. But on the contrary, rather than lose the bene-
 fit that might thereby accrue to the State (although those Commissioners might in some thing have erred in judgement) they did confirm their Decrees,
 and som times better the Contract in behalf of the Undertakers, as they did Tindalls Law, Lovells Law, &c.

That those Lands undertaken by the Earle of Lindsey were hurtfully surrounded in Henry the fifth his time, appears by Presentment at a Session of Sew-
 ers at that time.

That the Earle hath pursued the most effectual course in doing the work appears by Acts of Sewer, at a Session at Donington before Charles Brandon
 Duke of Suffolke, and many more eminent men in 34 H. 8. who decreed the making of new Dreynes in the very same place, and the same out-falls to the
 Sea that the Earle hath done, only the Earle hath made the same, and some more, and much more capacious, and that the Commissioners then laid the
 Tax generally, as the Commissioners now laid this last, before their Contract with the Earle.

That upon great complaint of the Inhabitants at a Session of Sewers at Sempringham, 8 Eliz. before the Earle of Lincoln Lord High Admiral of Eng-
 land, and many more, a general Tax was laid for the repairing and enlarging Dreynes to carry away waters that in those Fennes then annoyed them.

At another Session 17 Eliz. at Swinestead, upon complaint of the Country that they were then more drowned than formerly; the Commissioners then
 decreed the making such Dreynes as the Duke of Suffolke and others had decreed in Hen. 8. his time; and such as the Earle hath since made, and they then
 laid a Tax upon the same Lands, but it was not paid, and so nothing was done.

At Bourne in 6 Jac. the Commissioners upon their view of the great inundations that time, laid a general Tax for doing some work in the said Fennes.

But about the 5 Car. Sir Antony Irbie, Sergeant Callis, and other Commissioners of Sewers, and of the Peace, then finding all former Attempts fruit-
 lesse, by reason the Inhabitants would never pay the Taxes, nor the Lands by reason of the Surrounders had no Cattell upon them to render Distress,
 and well understanding that the King was bound, as is expressed in the Preamble of all Statutes of Sewers to give direction in works of this nature and
 necessity. Those Commissioners We say, upon those considerations did by their Letters remonstrate to the then King, the necessities and profits of dreyn-
 ing this Land, and beseech'd his Majesty to recommend some Persons of Honour to contract with them as Undertakers; the King was pleased to recom-
 mend the Earle of Lindsey; however before they made any Contract with the Earle, they yet laid another Tax of 13 s. 4 d. per Acre, at a Session at
 Sleeford of 35. Commissioners, many of them Lords and Owners, and prime Gentlemen of the Country, and after three years expectancy of that, and
 little or none paid, Then 11 Car. left their endeavours should have been as fruitlesse, as formerly. at a publick Session of Sewers, and in a general Assem-
 bly of Lords, Owners and Commoners, where were 32. Commissioners, many Lords and Owners of the said Fennes; after many Proposals and Refu-
 sals, it was fully agreed, and a perfect Contract made with the said Earle, that the said Lord should have as a reward for dreyning all between Bourne and
 Lincoln, 24000 Acres, and as soon as he should have finished that Part between Bourne and Kime, &c. he should have 14000 Acres, as a proportionable
 part for so much to be put into his Possession, when by the Commissioners it should be adjudged dreyned.

The Earle applied himself to the work, and 12 Car. at a Session at Boston, the Commissioners being 24. apportioned his part out of each particular
 Fenne.

At a Session at Bourne 13 Car. 10 Commissioners ascertained the Place where his Proportion in every Fenne should lye.

This Law was after confirmed 15 Car. at Sleeford by 18 Commissioners.

After in the same year by 19 Commissioners it was viewed entirely upon the Place, after at a Session at Sleeford the said Commissioners did decree the
 Possession to the Earle. After which,

The Earle did inclose it, build, and inhabit it, plant, plough, sow and reap two years without disturbance, the third year the Parliament then sitting,
 and having received six clamorous Petitions from some of the Country, and examined many of their witnesses, did as they conceived just, grant Orders
 from both Houses, to quiet the Earles Possessions, and secure the Crops then upon the Land: But the Petitioners in contempt of all, (pending their
 Petitions) violently entered and destroyed the Dreynes, Buildings and Crops then ready to reap, and of a very great value, and have ever since held Pos-
 session against the said Earle, and perished his Works, which was the highest contempt that ever was done to a Parliament sitting.

IN the year 1646. after the War ended, the Dreyners did Petition the same long Parliament to restore them to their Possession, and to settle the said
 Dreyning, and the Parliament did refer the business unto a Committee, where all the Members had voyces, that would come, and after seven years
 examination of all Differences complained of by the Dreyners and the Rioters, with their Councils on both sides, untill that both sides did publickly
 declare to the Committee, that neither Party had more to say: Whereupon, the Committee to give both Parties content, did refer the drawing up of the
 Report unto the Solicitors and their Councils on both sides, out of all the Papers and Examinations that lay in the Clerk of the Committees hands; and
 accordingly the Report was by them drawn up, and every leaf thereof signed under by the said Solicitors and the Councils: And this was done by Ma-
 ster Thomas Hall's advice, who did assist the Solicitor for the Rioters, and did approve of every Particular before it was entered into the said Report;
 which was after delivered by both Parties unto the Committee, and by the Chaire-man of the Committee, was presented unto the House, and on the
 reading thereof, the Parliament did Order a Bill to be brought in, for making an Act to settle the said Undertakings, and did appoint several dayes to
 read the said Bill, which was tendred by Master John Goodwin: but that Parliament did end before it could be perfected. As the Parliament Records do
 shew.

THe Fennes in Question have ever been hurtfully surrounded, and that for some hundred years last past it hath been the constant endeavour of the
 Country to Dreyn them, which could never be by them effected, untill the late Earle of Lindsey did undertake and perform that Work. Upon Con-
 tract, and much importunity from the Country.

It also appears by the Lords and Owners not paying their Tax of 13 s. 4 d. an Acre, that they did not value those Fenne-lands to be so much worth, be-
 fore the Earle's Undertaking, only the Earle of Lincoln did pay his Tax for 300 Acres, and his said Lands he holds by the same price.

Also when the Earle had perfected his Contract with the Commissioners after four or five years Treaty for 30000 Acres, and at last agreed for 24000
 Acres on the Countries free proffer thereof, he did publickly propose to any of the Country that would, should be admitted into Partnership with him
 for doing the work at Forty shillings an Acre; but the work was thought in those dayes so hazardous, and the Land so little worth, that only the Lord
 Cobham, Sir Edward Heron, and Mr. William Langton, did come in to adventure for their own Fennes only at Forty shillings the Acre.

Lastly, note that all Treaties for this Dreyning was ever in publick many thousand of Commoners present; and when the Contract between the
 Commoners, and the Earle was made at Sleeford in that Church, in presence of six or seven thousand of the Commoners, no one dissenting, but so joyed
 that the Earle would accept of 24000 Acres, that the Earle was much crowded by the People, who accompanied him to his Lodging, throwing up their
 Hats, and hollowing lowly Acclamations of joy in his Honour, where it cost the Earle 150 l. in Meat and Drink amongst these kind men; for if any
 words of Dislike had been from the Country, the Earle and his Participants would never have laid out their Estates on this work, but when so many
 endeavours of past Ages had been fruitlesse, and upon invitation from the Commoners, and after five or six years publick Treaty, in the face of the Coun-
 try, a Contract was thus made; and three years after, when that hazardous work beyond expectation was perfected by the Earle, Who could imagine
 to find such Ingratitude as now appears from those who were so mightily benefited by this work!

'Tis also evident by the Dreyners great Houses built, and the 14000. Acres being planted, plowed, sowed, and reaped for three years together, that
 those works were fully performed, and that they had Possession.

And it appears by the Dreyners Houses being pull'd down, their Corn and Plantations, with all those chargeable Works destroyed, that the Drey-
 ners were thrown out by a Riot.

July 1: 1661.

Henry Heron,

William Killigrew.